

**REMARKS**

Reconsideration of the pending application is respectfully requested. Claims 36-60 remain pending in the present application.

**Restriction of Claims under 35 U.S.C. 121**

The Examiner has restricted the claims to one invention under 35 U.S.C. 121. Specifically, Examiner asserts that Claims 1-35 are drawn to a method of manufacturing a pleated fluid filter and Claims 36-58 are drawn to a pleated fluid filter. A provisional election of Claims 36-58 was made telephonically on November 22, 2005. The election of Claims 36-58 without traverse is hereby affirmed. Claims 1-35 have been canceled from this Application. Claims 59 and 60 are new.

**35 U.S.C. § 102 Rejections**

Claims 36-39 and 44-45 are rejected under 35 U.S.C. §102(b) as being anticipated by Enbom (U.S. Patent No. 5,071,555). Claim 36 has been amended to incorporate having spaced formed material increments extending in selected lengths centrally oriented between and spaced from filter face crests.

Enbom teaches having material increments adjacent or even on the filter face crests. Embom, FIGs. 1-4, Such a configuration causes deformation of pleat flanks when the pleated fluid filter arrangement is used in a cartridge-type filter arrangement as shown in FIG.5 of the present application.

Applicant is currently claiming having spaced formed material increments extending in selected lengths centrally oriented between and spaced from filter face crests. Since the present

invention as currently claimed is not disclosed in Enbom, Applicant's Attorney respectfully requests this rejection be withdrawn.

Claims 36-39, 43 and 46 are rejected under 35 U.S.C. §102(b) as being anticipated by Lippold (U.S. Patent No. 5,290,447). Lippold discloses:

This is accomplished by a filter insert having a block-shaped configuration, comprising:

a planar material which is permeable to a medium and is arranged as a plurality of pleats having pleat walls, each pleat wall defining a plane and having opposing first and second edges, the pleat walls being arranged in a zigzag pattern presenting first and second edge sections wherein a medium to be filtered passes through the filter insert in a direction from the first edge section toward the second edge section, the pleat walls having **embossed projections** which are parallel to one another and project with a height with respect to the plane of the pleat wall in a direction toward an adjacent pleat wall, the projections **having a length in a direction from one edge to the opposite edge of a respective pleat wall** and a width perpendicular to the length, the width being essentially constant over the entire length, and the length exceeding the width, wherein adjacent projection of adjacent pleat walls contact one another for securing, spacing and stiffening the pleats and the filter insert, and the planar material is further arranged so the first edges of every other pair of adjacent pleat walls and the second edges of a different every other pair of adjacent pleat walls are connected to one another by respective planar intermediate regions of the filter material at least in areas of the pleat wall exterior of the projections, and the heights of the adjacent projections of the pairs of adjacent pleat walls connected at the first edge section increase in a direction toward the second edge section and the heights of the adjacent projections of the pairs of adjacent pleat walls connected at the second edge section increase in a direction toward the first edge section. Lippold, col. 1, ln. 59- col. 2, ln. 24.

Again, Applicant is currently claiming having spaced formed material increments extending in selected lengths centrally oriented between and spaced from filter face crests. Lippold discloses embossed projections extending to filter face crests rather than material increments spaced there from as currently claimed. Since Lippold fails to disclose each and every claim limitation in Claim 36 and Claims 37-39, 43 and 46, having the claim limitations of Claim 36 through claim dependency, Applicant's Attorney respectfully requests this rejection be withdrawn.

**35 U.S.C. § 103 Rejections**

Claim 47 is rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Enbom. As previously shown, Enbom fails to teach or suggest having spaced formed material increments spaced from filter face crests as currently claimed, hence, Applicant's Attorney respectfully requests this rejection be withdrawn.

Claim 47 is rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Lippold. As previously pointed out, Lippold fails to teach or suggest having spaced formed material increments spaced from filter face crests as currently claimed, hence, Applicant's Attorney respectfully requests this rejection be withdrawn.

Claims 40-42, 48, 50-52 and 54-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Enbom in view of Cusick et al. (U.S. Patent No. 5,993,501). Cusick et al. teaches:

The composite filter media of the present invention includes a low, medium or high efficiency fibrous filtration layer of randomly oriented fibers (e.g. mineral fibers such as fine glass fibers); **one or more formable stiffening layers** which enable the composite filter media to be scored and pleated and to hold or retain its pleats; and preferably, a covering layer or a second stiffening layer. Cusick et al., col. 1, ln. 62- col. 2, on 1.

Cusick et al. teaches the use of stiffening layers and also fails to teach or suggest having spaced formed material increments spaced from filter face crests as currently claimed.

Therefore, the combination of Enbom and Cusick et al. fails to teach the currently claimed invention, hence, Applicant's Attorney respectfully requests this rejection be withdrawn.

Claim 49 is rejected under 35 U.S.C. §103(a) as being unpatentable over Enbom in view of Cusick and further in view of Niccum et al. (U.S. Patent No. 3,849,314). Niccum et al. teaches:

Looking particularly at FIG. 3, a vertical section through a pleat and illustrating particularly pleat wall 18, note the integral projections of two different types, indicated at 24 and 26, extending from opposite sides of the pleat wall. Projection 24 is illustrated in detail in FIG. 6 and is shown to include a **uniformly shaped depression 28** having a generally constant depth and a generally constant width. The **depression 28 which forms projection 24** is substantially longer than it is wide. Of importance, however, is the fact that it has uniform depth and uniform width. Col. 1, ln. 57-67.

Niccum et al. teaches embossed projections and fails to teach or suggest having spaced formed material increments spaced from filter face crests as currently claimed. Since Enbom, Cusick, and Niccum et al. fail to teach or suggest the presently claimed invention, alone or in combination, Applicant's Attorney respectfully requests this rejection be withdrawn.

Claim 53 is rejected under 35 U.S.C. §103(a) as being unpatentable over Enbom in view of Cusick and further in view of Osendorf (U.S. Patent No. 5,427,597). Osendorf teaches:

FIG. 2a shows a partial view of a sheet of filter medium 10 which has been **pleated and dimpled**. A plurality of pleats are designated generally as 16. Each pleat 16 has an upstream fold or tip 20 and a downstream fold 22. **Dimples 18 are shown pressed in both the tips 20 and downstream folds 22 of the pleats 16.**

Osendorf teaches the use of dimples and also fails to teach or suggest having spaced formed material increments spaced from filter face crests as currently claimed. Therefore, the combination of Enbom, Cusick et al. and Osendorf fails to teach the currently claimed invention, hence, Applicant's Attorney respectfully requests this rejection be withdrawn.

Claims 57-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Enbom in view of Cusick and further in view of Kenigsberg et al. (U.S. Patent No. 5,156,780). Claims 57-58 depend from Claim 36 and hence have the limitations therein through claim dependency.

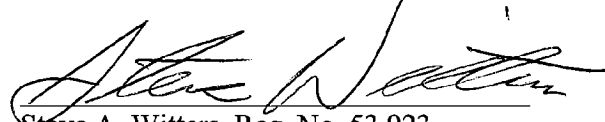
Since Claim 36 has been amended to include subject matter not taught or suggested in Kenigsberg et al. nor in Cusick or Ebom, as previously shown, Applicant's Attorney respectfully requests this rejection be withdrawn.

**Conclusion**

Applicant's Attorney asserts that the instant application is in condition for allowance. Applicant's Attorney therefore respectfully requests that the Examiner allow the pending claims. However, if the Examiner believes there are other unresolved issues in this case, Applicant's Attorney of record would appreciate a call at (502) 584-1135.

Respectfully submitted,

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